

# **KENTUCKY BOARD OF RESPIRATORY CARE**

## **SUMMARY MINUTES**

August 21, 2014

A meeting of the Kentucky Board of Respiratory Care was held on Thursday, August 21, 2014 at KBRC offices, 163 W. Short Street, Lexington, KY.

### **MEMBERS PRESENT**

Janet R. Vogt, MHS, RRT, Chair  
Tina Siddon, MS, RRT, Vice-Chair  
Jerrell D. Cloud, RRT  
Kathleen Kearney Schell

### **KBRC STAFF**

Peggy Lacy Moore, Executive Director  
Rick L. Rose, Administrative Assistant

### **OTHER**

Cheryl Lalonde, AAG

Janet Vogt called the meeting to order at 5:50 p.m., at 163 W. Short Street, Lexington, KY.

### **Minutes**

Tina Siddon made a motion to approve the June 19, 2014 minutes; seconded by Jerrell Cloud. Motion carried unanimously.

Ms. Moore presented information on the KY Interactive Payment Portal and requested approval for our practitioners to utilize the Payment Portal system provided by KY Gov. The Payment Portal would allow our licensees to process credit card payments for applications, fines and other fees. Staff will get an email confirmation that a payment for an individual has successfully completed so we can then process the application. Jerrell Cloud made a motion to approve the KY Gov payment portal without any increased fees above the \$5 presently charged by KY Gov and FIS; seconded by Tina Siddon. Motion carried unanimously.

### **Continuing Education**

#### **2014 Continuing Education Audits**

Jerrell Cloud made a motion to approve a 15% audit of continuing education; seconded by Tina Siddon. Motion carried unanimously.

#### **Tammy Smith, with Rotech DME, Inquiry on Drop Shipments of CPAP**

Ms. Vogt responded to an inquiry from Tammy Smith with Rotech DME regarding drop shipments of CPAP devices. Mrs. Vogt stated a CPAP unit must have a pressure set prior to use and that pressure is a prescription. The warehouse responsible for drop shipments cannot set pressure without proper personnel who are acting within their scope of practice. Respiratory services may be provided in accordance with a prescription of a physician pursuant to KRS 314A.100.

## **Old Business**

### **Committee Update re: Proposed 2015 Law Changes Re: KRS Chapter 314A00**

Ms. Vogt stated the Committee had not met since May 2014 due to schedule constraints and commitments. Ms. Lalonde suggested that: 1) we contact Cheryl West at AARC for guidance and direction on those states that have already made changes and review the best laws in the country; and 2) the KSRC have conversations with legislators to get a pulse for opening the law in 2015. Ms. Vogt feels the KSRC will not be ready to present law changes for the 2015 session. Ms. Lalonde shared her concern that delaying action could present the Board with financial hardship. Ms. Vogt stated she would contact Vicki Walters, incoming KSRC president, regarding her support and participation to law changes in 2015. Ms. Lalonde suggested the Board could seek a fee increase in 2015, and that scope of practice could be addressed in 2016.

Ms. Vogt shared that on a national level the respiratory profession is moving to bachelor's level education and advanced practice. Ms. Vogt will continue to work on supporting the relationship between the Board and the KSRC. Mr. Cloud stated he felt like the KSRC needs more strength to advocate law changes and he'd like to see changes other than just a fee increase in 2015.

## **Complaints**

Ms. Siddon made a motion for the Board to go into closed session, pursuant to KRS 61.810(1)(c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Mr. Cloud and carried unanimously.

Jerrell Cloud moved to come out of closed session; seconded by Kathy Schell. Motion carried unanimously.

## **Agreed Orders – Compliant Cases**

### **Terry Clark**

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

### **Lisa A. Smith**

Mr. Fingerson reported Lisa A. Smith is compliant. No action on the case.

### **Laura Thomas**

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

### **Mary Marcia Fuller**

Mr. Fingerson reported Mary Marcia Fuller is compliant. No action on the case.

### **Aubrey Bryant**

Mr. Fingerson reported Aubrey Bryant is compliant. No action on the case.

Joseph Cecil

Mr. Fingerson reported Joseph Cecil is compliant. No action on the case.

Amy Golden

Mr. Fingerson reported Amy Golden is compliant. No action on the case.

April Dawn Hall

Mr. Fingerson reported April Dawn Hall is compliant. No action on the case.

Holly Hall

Mr. Fingerson reported Holly Hall is compliant. No action on the case.

Rodney Reynolds

Mr. Fingerson reported Rodney Reynolds is compliant. No action on the case.

Sara Sparks

Mr. Fingerson reported Sara Sparks is compliant. No action on the case.

Aaron Peter

Mr. Fingerson reported Aaron Peter is compliant. No action on the case.

Paul Derrick Sublett

Mr. Fingerson reported Paul Sublett is compliant. No action on the case.

### **Agreed Orders - Non Compliant Cases**

N/A

### **FYI: Agreed Orders Signed – No Actions Needed**

Aaron Grubb

FYI, Mr. Grubb signed his Agreed Order and paid the fine. No further action on the case.

Harold Boggs, Jr.

FYI, Mr. Boggs signed his Agreed Order and paid the fine. No further action on the case.

### **Complaint Cases with Agreed Orders & KYPRN – Updates or Action Needed**

#### **A. Shannon Keys**

Kathy Schell made a motion for legal counsel to draft an Agreed Order for Ms. Keys to include a 30-day suspension, a fine of \$2,000 payable in four payments of \$500, with payments due on 9/30/14; 10/30/14; 11/30/14 and 12/30/14. If any payment is late or missed the full amount is due and automatic suspension commences. Ms. Keys must sign a new check-off list with KYPRN and bring her commitments under KYPRN current. The Agreed Order will establish a new five year probation period. Ms. Keyes must supply the Board with a list of all employers and proof that she has given a copy of her Agreed Order to all employers. The motion was seconded by Tina Siddon and carried unanimously.

#### **B. John A. Beck**

Kathy Schell made a motion to approve the Amended Agreed Order of Revocation signed by Mr. Beck and his attorney; seconded by Mr. Cloud. Motion carried unanimously.

#### **C. Theresa Holmes Hargette-Flor**

A motion was made by Tina Siddon, and seconded by Mr. Cloud, to deny the application. Motion carried unanimously.

### **New Business**

#### **KY Society of Respiratory Care Conference**

FYI. KSRC Conference November 13-14, 2014 at Ramada Conference Center, Lexington, KY.

#### **FYI. Texas Sunset Commission**

### **Announcements**

The next meeting is set for Thursday, October 16, 2014 at 5:30 p.m., at the KBRC offices, 163 W. Short Street, Lexington, KY.

### **Application Review**

A motion was made by Jerrell Cloud to accept all 55 applications since the last meeting; seconded by Ms. Siddon. Motion carried unanimously.

The following **Student applications (8)** were approved:

Laura Baker, Amanda Derrington, Kalen Jones, Breamn Prechtel, Brittany Robertson, Laura Statterley, Ethan Stephens and Barbara Sykes.

The following **Temporary applications (0)** were approved:

No temporary licensure issued.

The following **NBRC applications (31)** were approved:

Greg Abbinanti, Clara Arrebato-Pedroso, Corrinna Bailey, Cheryl Baldwin, April Bowling, Bettie Brandenburg, Kayla Byrd, Allyson Clark, Chad Deininger, Annesha Earler-Bauter, Jacquelyn Gettelfinger, Anne Gravenkemper, Terra Gilbert, Matthew Hall, Cholia Hicks, Courtney Jones, Sonya Jones, Ivan Lee, James Martin, Melissa McCoy, Julie Molina, Melissa Montavon, Amanda Nickel, Peter O'Neill, Michael Reed, Edward Riley, Alexandra Sherlock, Bruce Somerville, Tanaka Townsley, Nicholas Vogelpohl and Kristy Weistroffer.

The following **Reciprocity applications (16)** were approved:

Olufunmisho Adelaja, Lacey Akers, Stella Gaewornu, Brandon Gilbert, Tara Hall, Mark Lawton, Lisa Manikhong, Heather Mayes, Michelle Miletzko, Alexis Mullins, Alisha Mullins, Devan Parker, Buffy Patterson-Volturo, Deborah Pilkins, Whitney Rios and Cynthia Robinson.

#### **Approval of Per-diem, Compensation, Travel and Honoraria**

A motion was made by Jerrell Cloud, and seconded by Tina Siddon, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Kathy Schell made a motion to adjourn the meeting at 8:30 p.m.; seconded by Jerrell Cloud. Motion carried unanimously.

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Janet R. Vogt, MHS, RRT, Chair  
KY Board of Respiratory Care